

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.3687 OF 1997

M/s Ramsukh Construction & Anr. Petitioners.

V/s

Mr. Vijaysingh N. Sampat & Others Respondents.

Office Notes, Office Memorandum
of Coram, appearances, Court's
orders or directions and Registrars
orders.

Court's or Judge's orders.

Mr. Madhav Jamdar for Petitioners.

CORAM: V.M. KANADE, J.
DATE : 7th March, 2007

P.C.:

1. Heard Mr. Jamdar, the learned Counsel appearing on behalf of the Petitioners.

2. The Petitioners challenge the order passed by the Trial Court on an application filed by the Petitioners to add them as Plaintiffs since they had purchased the suit property from Plaintiff No.1. The Plaintiff No.1 had filed a suit for

simpliciter injunction, restraining the defendants from interfering with their possession in respect of the suit property. The Trial Court has rejected this application on the ground that since the suit for simpliciter injunction has to be filed for the purpose of enforcing personal rights of an individual, the Petitioners, who are third parties, had no locus to substitute as Plaintiffs Nos. 2 to 5.

3. In my view, the said order is clearly illegal as the Trial Court has not considered the fact that the Petitioners claimed to have purchased the suit premises from Plaintiff No.1 and, therefore, have stepped into the shoes of Plaintiff No.1 and had, therefore, interest in pursuing the suit. The impugned order is, therefore, set aside. Rule is made absolute in terms of prayer clauses (a) & (b). The Trial Court is directed to hear the suit as expeditiously as possible and, in any case, within a period of six

months.

4. Writ Petition is accordingly disposed of.

(V. M. KANADE, J.)